

MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT
STAFF REPORT **# 3**

CASE NUMBER: PD 00-384 **L.U.C.B. MEETING:** February 12, 2015

LOCATION: 0 Humphreys Boulevard (North side of Humphreys Boulevard, 1,617.14 northwest of the centerline of Kirby Parkway)

COUNCIL DISTRICT: 2

SUPER DISTRICT: 9

OWNER OF RECORD: Humphrey's Center Association of Owners, Inc.

APPLICANT: Verizon Wireless

REPRESENTATIVE: Nathan Bicks, Burch Porter & Johnson, PLLC

REQUEST: Major Modification to increase the height of the existing pine tree monopole communication tower from 125 feet to 140 feet

AREA: 0.196 Acres

EXISTING LAND USE & ZONING: Existing pine tree monopole communication tower in Humphrey's Boulevard Planned Development Third Amendment, Phase 26, Part of Parcel 11

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION

Approval with 2 Conditions

CONCLUSIONS

1. The existing pine tree monopole communication tower is located on the north side of Humphreys Boulevard adjacent to a natural area and the Wolf River Greenway that extends along the north side of Humphreys Boulevard adjacent to the Wolf River and Lucius Burch Natural Area to the north of the site. There is no sidewalk along the north side of Humphreys Boulevard
2. This application for a major modification is before the Board to increase the height of the existing pine tree monopole communication tower by 15 feet from 125 to 140 feet.
3. The applicant shall re-record the final plat to reflect the increase in height and provide supplemental landscaping along Humphreys Boulevard in front of the fenced area with equipment where the landscaping at this location has not matured adequately to provide the required screening.

Staff: Marion Jones

email: marion.jones@memphistn.gov

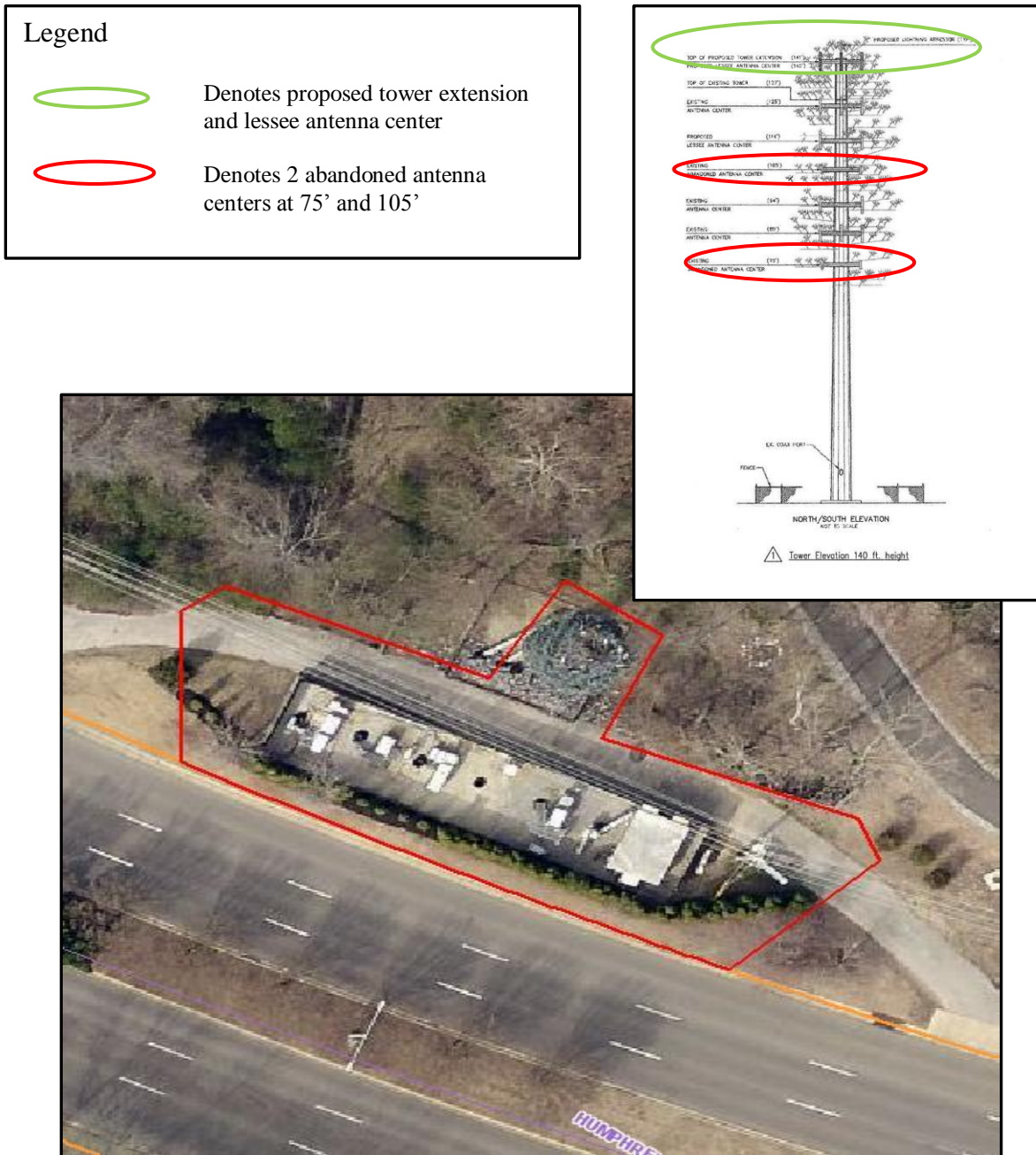
AERIAL PHOTOGRAPHS



Zoning



Zoning and Planned Developments



Enlargement of Site

SURROUNDING USES AND ZONING:

North: Natural area with a greenway trail (Wolf River Greenway) in Humphrey's Boulevard Planned Development, Third Addition, Phase 26, Parcels 11

South: Single-family detached houses in the Village of River Oaks and Beaumonde and vacant land (Parcel 11A) within the Humphreys Boulevard Planned Development

East: Natural area with a greenway trail (Wolf River Greenway) in Humphrey's Boulevard Planned Development, Third Addition, Phase 26, Parcels 11

West: Natural area with a greenway trail (Wolf River Greenway) in Humphrey's Boulevard Planned Development, Third Addition, Phase 26, Parcels 11

GOOGLE IMAGE OF THE SITE



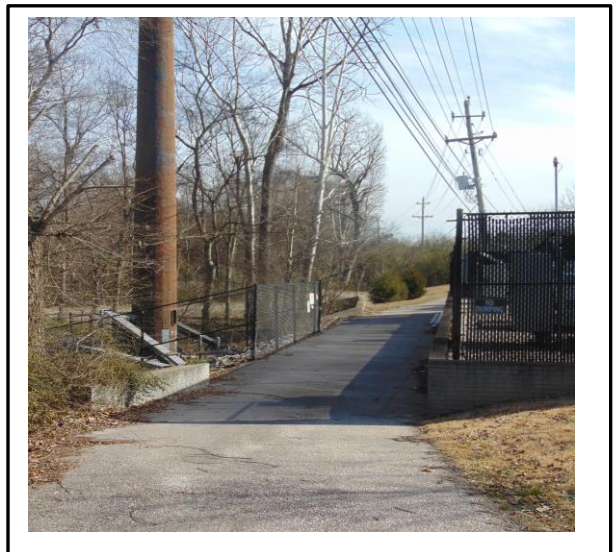


Top of the pine tree monopole communication tower showing the full array of current antenna centers

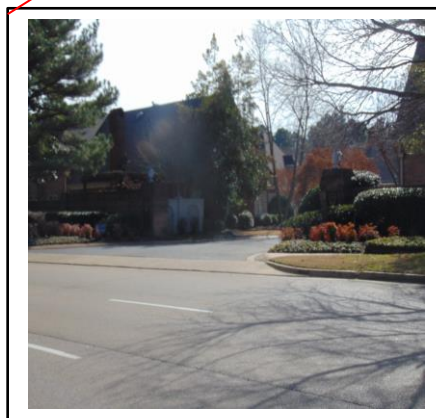
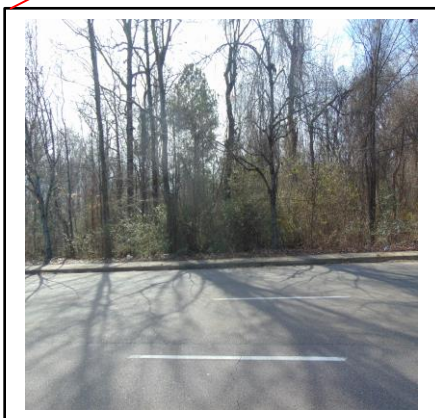
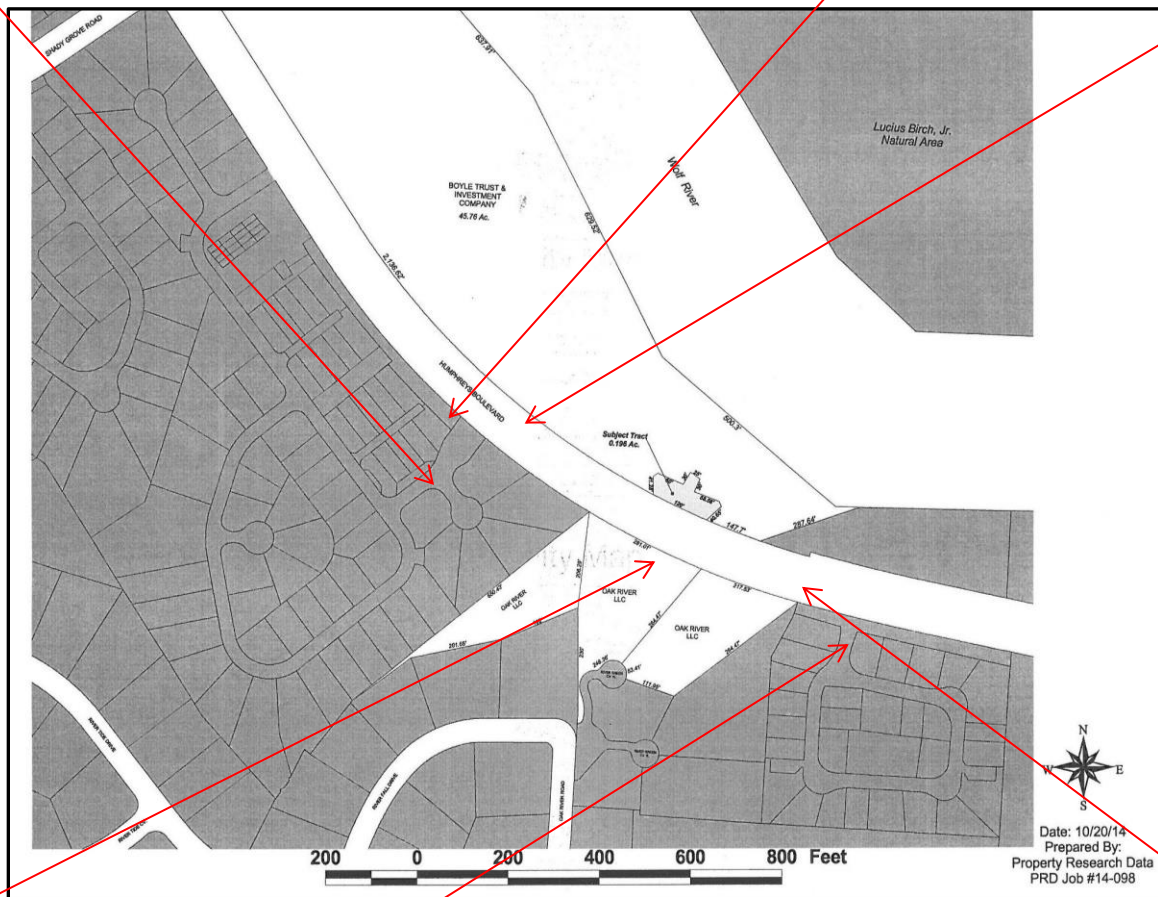
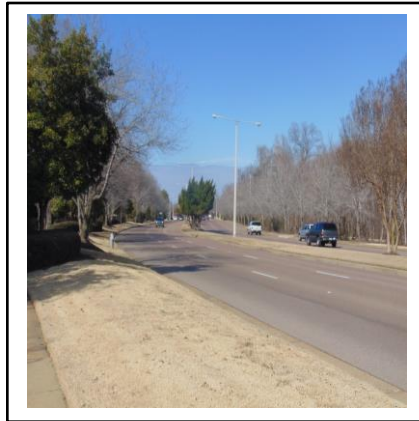


Above: Top of the tree with antenna center

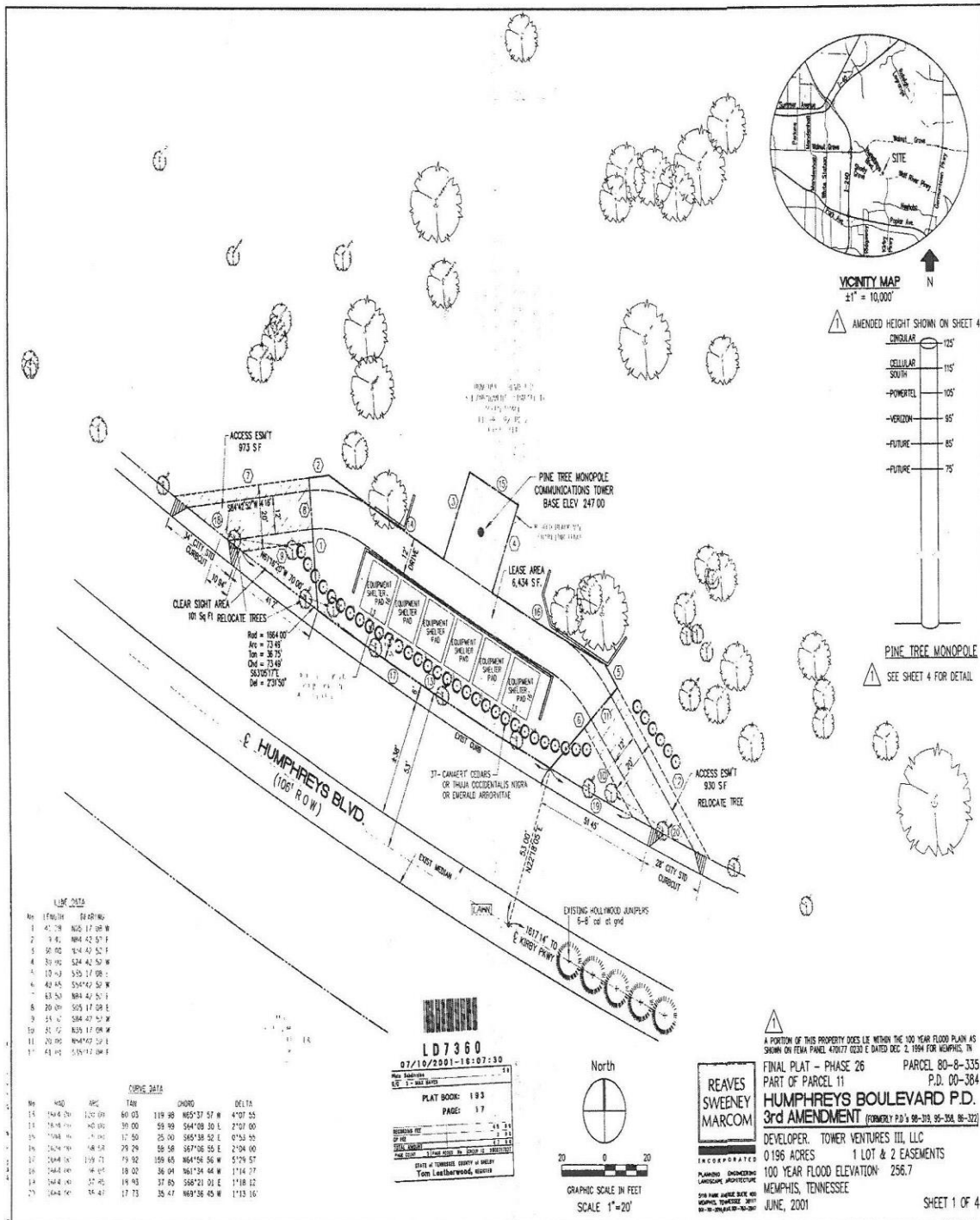
Below: Service drive for communication center and fenced area containing equipment shelter pads



Vicinity Map



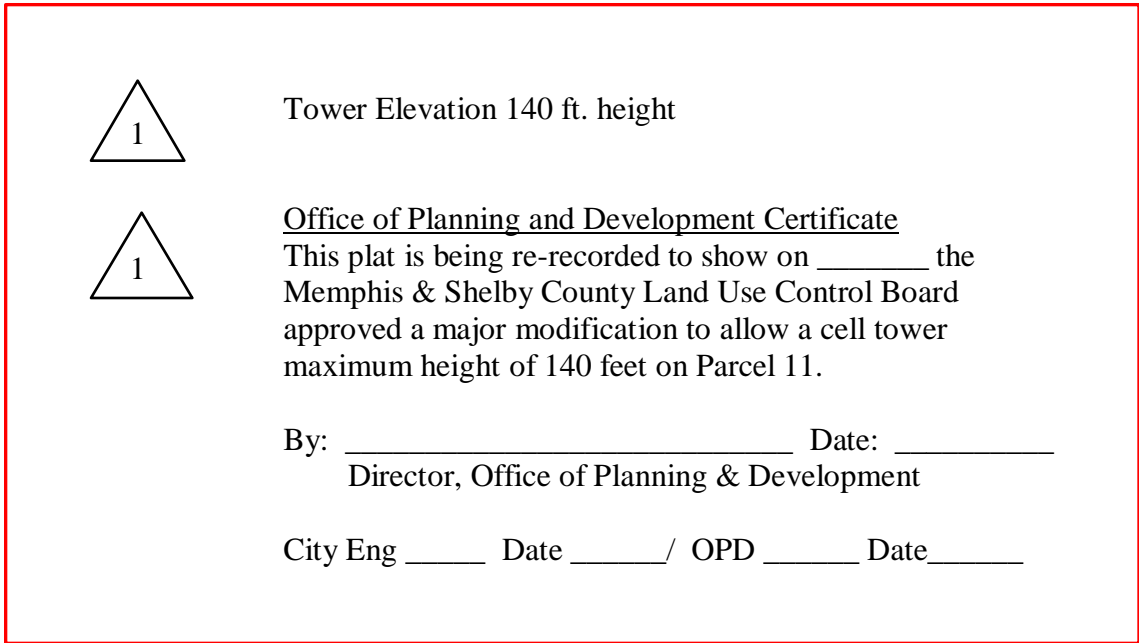
Recorded Final Plat



- I. Permitted Uses
- E. Parcels 11 and 11A Open space and recreational facilities, except that one (1) commercial mobile communication facility consisting of a Pine Tree Monopole (suitable for five carriers) and accessory structures manufactured by Newmark Infrastructure Solutions or equivalent.
- II. Bulk Regulations
- B. Minimum setback from all public rights-of-way-30 feet, except that a Monopole tower in Parcel 11 shall have a 70 foot setback.
- D. Maximum height of all buildings 35 feet except
 4. Parcels 11 and 11A-15 feet, except CMCS tower shall have a maximum height of 125 feet.
- III. Access and Circulation
- A. The number and general location of curb cuts shall be shown on the Outline Plan except
 3. Parcel 11-shall have a maximum of two curb cuts on Humphreys Boulevard
- IV. Landscaping, Screening and Open Space
- E. The area located on the north side of Humphreys Boulevard and designated as Open Space shall remain in open space or passive recreational uses, except as permitted by paragraph I E above



- A. Provide an 8" high black vinyl chain link fence around the lease site. Use of Razor wire shall be prohibited.
- B. The CMCS tower shall be structurally designed to accommodate at least five carriers for co-location.
- C. The tower shall not be artificially lighted unless required by the Federal Aviation Administration or other government authority. Ground lighting shall not be permitted.
- D. The Pine Tree Monopole must be designed to blend with the woodland background of the site. All antennae on the pole must be significantly camouflaged with manufactured foliage to cause the monopole to appear as an authentic mature pine tree in a natural surrounding. The foliage must be made of advanced ultraviolet resistant materials and the branches must withstand 70 mph wind loads with ½" radial ice.
- E. The tower must carry a full manufacturer's warranty against any deterioration of the aesthetic camouflage characteristics for at least ten years. After such time, an inspection of the branches and needles shall be made annually. If found to be fading, replacement branches and needles shall be installed such that the tower continues to appear as an authentic mature pine tree in a natural setting.
- F. All trees of present diameter of at least six (6) inches on Parcel 11 which are within one hundred fifty (150) feet of the tower lease site shall be preserved except as necessary for removal or trimming for purpose of safety. A tree survey shall be provided showing the location of said trees with the final plat. In order to maintain the natural setting of the tower, the leaseholder of the site and the owner of the tower shall be responsible to replace any dead or removed trees that are a minimum two (2) inch diameter within 150 feet of the tower site.
- G. When the tower is no longer in use as a Commercial Mobile Communication Service Facility for a period of six (6) months, the leaseholder of the site and the owner of the tower shall be responsible to fully remove the tower, service facility, fencing, wiring, driveway, etc. so as to return the site to its current appearance and condition. Native plants-groundcovers, shrubs, trees and vines shall be planted in accordance therewith.



STAFF ANALYSIS

The site is located on the north side of Humphreys Boulevard, approximately 1,617.14 feet northwest of the centerline of Kirby Parkway. The existing pine tree monopole communication tower is adjacent to a natural area and the Wolf River Greenway that extends along the north side of Humphreys Boulevard adjacent to the Wolf River. There is no sidewalk along the north side of Humphreys Boulevard. Vacant land and residential development are located across Humphreys Boulevard on the south side.

The alignment of Humphreys Boulevard roughly follows the alignment of the Wolf River. Humphreys Boulevard is a divided arterial roadway with 106 feet of right of way and six traffic lanes. The landscaped median is approximately 17 feet wide in front of the site. The median also contains light standards. There is a protected pedestrian way composed of a curvilinear sidewalk with landscaping and a small elevated berm in some locations along the south side of Humphreys Boulevard in front of the residential developments.

Communication Tower

The existing pine tree monopole communication tower is 125 feet in height. The applicant filed an application for a major modification to the planned development to increase the height by 15 feet to 140 feet in order to install an additional antenna center for another service provider. Under XIV. Parcel 11-Pine Monopole Requirements B., the condition states "The CMCS tower shall be structurally designed to accommodate at least five carriers for co-location". The application (the revised final plat) shows 2 "abandoned antenna centers" at 75 feet and 105 feet on the existing pine tree monopole communication tower. OPD Staff asked Cindy Reaves to explain the reason the two antenna centers were "abandoned" and what was meant by "abandoned". Ms. Reaves called Friday, February 6 to say the tower owner was out of town until Monday.



As seen in the photograph above, a portion of the landscaping along Humphreys Boulevard in front of the fenced area with equipment has not matured at the same rate as

the other plants in the landscape screen. Consequently, this same portion of the equipment within the fenced area is not properly screened and is visible from Humphreys Boulevard. Therefore, OPD Staff is recommending the applicant provide additional or supplemental screening at this location when the plat is re-recorded or provide an alternative that is subject to the approval of the Planning Director or his designee.

RECOMMENDATION: Approval with 2 Conditions.

CONDITIONS:

1. The applicant shall re-record the final plat for Humphreys Boulevard Planned Development, Third Amendment, Phase 26, Part of Parcel 11 to reflect the increase in the height of the pine tree monopole communication tower from 125 feet to 140 feet.
2. The applicant shall provide supplemental landscaping in front of the fence and equipment shelter pads along Humphreys Boulevard where the current landscaping has not matured at the same rate as the other landscaping within the landscape screen to appropriately screen the fence and equipment shelter pads from view. The supplemental landscaping shall be shown on the final plat.

GENERAL INFORMATION

Street Frontage: 2,434+/- Feet along Humphreys Boulevard
Planning District: Shelby Farms-Germantown
Census Tract: 213.11
Zoning Atlas Page: 2045
Parcel ID: 080008 00556
Zoning History: N/A

DEPARTMENTAL COMMENTS

The following comments were provided by agencies to which this application was referred:

City Engineer: No objections to this request.

City Fire Division: No comment.

Shelby County 911: No comments received.

**City/County Health Department-
Water Quality Branch & Septic Tank Program:** No comments received.

Shelby County Schools: No comment received.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water: (typical comments)

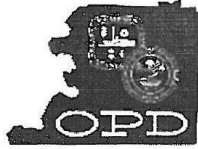
MLGW has reviewed the referenced application, and has no objection, subject to the following conditions:

- **Street Names: It is the responsibility of the owner/applicant** to contact MLGW–Address Assignment @ 729-8628 and submit proposed street names for review and approval. Please use the following link to the MLGW Land & Mapping website for **Street Naming Guidelines** and the **Online Street Name Search**:
<http://www.mlgw.com/builders/landandmapping>
- **It is the responsibility of the owner/applicant** to identify any utility easements, whether dedicated or prescriptive (electric, gas, water, CATV, telephone, sewer, drainage, etc.), which may encumber the subject property, including underground and overhead facilities.
- **No permanent structures** will be allowed within any utility easements, without prior MLGW approval.
- **It is the responsibility of the owner/applicant** to contact **TN-1-CALL** @ 1.800.351.1111, before digging, and to determine the location of any underground utilities including electric, gas, water, CATV, telephone, etc.
- **It is the responsibility of the owner/applicant** to pay the cost of any work performed by MLGW to install, remove or relocate any facilities to accommodate the proposed development.
- **It is the responsibility of the owner/applicant** to comply with the **National Electric Safety Code (NESC)** and maintain minimum horizontal/vertical clearances between existing overhead electric facilities and any proposed structures.
- **It is the responsibility of the owner/applicant** to comply with Memphis/Shelby County Zoning Ordinance - Landscape and Screening Regulations.
- **Street Trees are prohibited**, subject to the review and approval of the landscape plan by MLGW Engineering. It is the responsibility of the owner/applicant to submit a detailed landscape plan to MLGW Engineering.
- **Landscaping is prohibited** within any MLGW utility easement without prior MLGW approval.
- **It is the responsibility of the owner/applicant** to submit a detailed plan to MLGW Engineering for the purposes of determining the availability and capacity of existing utility services to serve any proposed or future development(s). Application for utility service is necessary before plats can be recorded.
 - All residential developers must contact MLGW's Residential Engineer at Builder Services: (901) 729-8675 to initiate the utility application process.
 - All commercial developers must contact MLGW's Builder Services line at 729-8630 (select option 2) to initiate the utility application process.
- **It is the responsibility of the owner/applicant** to pay the cost of any utility system improvements necessary to serve the proposed development with electric, gas or water utilities.

AT&T/Bell South:

No comments received.

Application



Memphis and Shelby County
Office of Planning and Development
CITY HALL 125 NORTH MAIN STREET-SUITE 468 MEMPHIS, TENNESSEE 38103-2084 (901) 576-6619

APPLICATION FOR PLANNED DEVELOPMENT
MAJOR MODIFICATION/LUCB SITE PLAN
(CORRESPONDENCE) APPROVAL

Date: October 15, 2014

Previous Case #: PD 00-384

PLEASE TYPE OR PRINT

Name of Development: Phase 26, Part of Parcel 11, Humphrey's Boulevard PD 3rd Amendment
Property Owner of Record: Humphrey's Center Association of Owners Inc. Phone #: _____
Mailing Address: 5900 Poplar Avenue, Suite 100 City/State: Memphis, TN Zip 38119
Property Owner E-Mail Address: _____
Applicant: Verizon Wireless (Jill Eanes) Phone # _____
Mailing Address: 1 Verizon Drive, B4F6 City/State: Little Rock, AR Zip 72202
Applicant E-Mail Address: jill.eanes@verizonwireless.com
Representative: Nathan Bicks Phone #: 901-524-5146
Mailing Address: 130 North Court Avenue City/State: Memphis, TN Zip 38103
Representative E-Mail Address: nbicks@BPJLAW.com
Engineer/Surveyor: SR Consulting, LLC Phone # 901-373-0380
Mailing Address: 5909 Shelby Oaks Drive, Suite 200 City/State: Memphis, TN Zip 38134
Engineer/Surveyor E-Mail Address: cindy@scee-memphis.com
Correspondence item Street Address Location: 0 Humphreys Blvd.
Distance to nearest intersecting street: 1617.14 feet northwest of the centerline of Kirby Parkway

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	<u>0.196</u>	_____	_____
Existing Zoning:	<u>PD</u>	_____	_____
Existing Use of Property	<u>Cell Tower</u>	_____	_____
Requested Use of Property	<u>Cell Tower</u>	_____	_____

Type of Correspondence Item Requested:

☒ Major Modification(s) (See UDC Para. 9.6.11E(2) for a list of Major Modifications)
☐ Land Use Control Board Site Plan Approval

Description of and justification for request: For time extensions provide reasons necessitating extensions and estimated time frame for finalizing the development:

Request to increase the height of the tower 15 feet, from 125 feet to 140 feet.

I (we) hereby make application for the Correspondence Case described above and on the accompanying materials. I (we) accept responsibility for any errors or omissions which may result in the postponement of the application being reviewed by the Memphis & Shelby County Land Use Control Board at the next available hearing date. I (We), owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.

Humphreys Center Association of Owners, Inc. *12/2/2014* *Russell E. Guelworthy*
Property Owner of Record Date Applicant Director Date *12/2/2014*

SIGN POSTING: A sign or signs shall be erected on-site no more than 30 days or less than 10 days prior to the date of the Land Use Control Board hearing for any Major Modification. See Sub-Section 9.3.4C of the UDC for further details on sign posting.

REQUIRED MAJOR MODIFICATIONS: The following items shall be deemed as Major Modifications to an approved Planned Development Outline Plan:

- A. Any revision to an Outline Plan that involves adding uses of a higher classification. Note: Adding uses of a lower classification will require the submittal of an Outline Plan *Amendment*. See Sub-Section 10.2.5B of the UDC for more information on higher and lower classifications.
- B. Any extension of the expiration date of an Outline Plan, provided the expiration date has not passed (see Sub-Section 9.6.14A).
- C. Any filing of a Final Plan in a Planned Development that was approved more than five years prior to the filing date and where the Outline Plan contains no expiration provisions.
- D. Any final plan that provides for more density than is permitted under the approved Outline Plan, unless the Outline Plan explicitly allows for such additional density (see Item 9.6.11D(3)(a) of the UDC).
- E. Any modification to the orientation of buildings as shown on the Outline Plan or the Outline Plan's Concept Plan that exceeds the following (see Item 9.6.11D(3)(c) of the UDC):
 - 1. 25 feet for final plans of two or less acres;
 - 2. 50 feet for final plan of more than two but less than eight acres;
 - 3. 100 feet for final plans of eight acres but than 20 acres; and
 - 4. 150 feet for final plans of 20 acres or more.

Land Use Ownership Disclosure

LAND USE OWNERSHIP DISCLOSURE

Please identify every person who has an ownership interest of 10% or more in the subject application whether they be the current owners, the contract buyers, or the lenders. If current owner or contract buyer are public corporations, please note the fact and list no other owners. Only lenders which are not institutions (banks, saving and loans or credit unions) need be listed.

	NAMES	ADDRESSES
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<u>CURRENT OWNERS</u>	Humphrey's Center	5900 Poplar Avenue, Suite 100 Memphis, TN 38119
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	Assoc. of Owners Inc.	
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	Gene Banton	P.O. Box 17800
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	c/o Kelly McDonald	Memphis, TN 38187
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CONTRACT
OWNERS/BUYERS

NON-INSTITUTIONAL
LENDERS INCLUDING
SELLER(S) IF THE
PENDING SALE IS
OWNER FINANCED

Letter of Intent



Date: October 23, 2014

To: Office of Planning and Development

From: Cindy Reaves

Re: Phase 26 Humphrey's Boulevard PD 3rd Amendment PD Major Modification

Job #: 14-0103

Letter of Intent

We are pleased to submit for approval the attached PD Major Modification Application for a cell tower height increase to an existing cell tower located on Humphrey's Boulevard approximately 1,617 feet west of Kirby Parkway. The currently approved PD allows a cell tower height of 125 feet. The request is to increase the height of the existing tower by 15 feet, from 125 feet to 140 feet within the existing lease area on the site.

In lieu of requesting the installation of a new cell tower in this area, we are seeking to co-locate on an existing tower with additional height to provide for the needed additional service coverage in this area of Memphis. The proposed increased tower height will be in accordance with all required regulations and ordinances for cell towers location in Shelby County. This proposed change will not have an adverse impact on the surrounding neighborhood.

Please contact us at 901-373-0380 if you have any questions about this application. We look forward to working with you on this project.

Vicinity Map

SNOW GROVE ROAD

WOLF RIVER

BOYLE TRUST & INVESTMENT COMPANY
45.76 Ac.

HUMMER'S BOULEVARD

Subject Tract
0.196 Ac.

OAK RIVER LLC

OAK RIVER LLC

Lucius Birch, Jr.
Natural Area

0 200 400 600 800 Feet

N
W E
S

Date: 10/20/14
Prepared By:
Property Research Data
PRD Job #14-098

Mailing Labels

Boyle Trust & Investment Company
P O Box 17800
Memphis, Tn 38187

Oak River LLC
2720 Calkins Road
Germantown, Tn 38139

Boyle Trust & Investment Company
P O Box 17800
Memphis, Tn 38187

Oak River LLC
2720 Calkins Road
Germantown, Tn 38139

SR Consulting Engineering
5909 Shelby Oaks Drive, Suite 200
Memphis TN 38134

SR Consulting Engineering
5909 Shelby Oaks Drive, Suite 200
Memphis TN 38134

Humphreys Center Assoc. of Owners Inc.
5900 Poplar Ave., Ste. 100
Memphis, TN 38119 3900

Humphreys Center Assoc. of Owners Inc.
5900 Poplar Ave., Ste. 100
Memphis, TN 38119 3900

Nathan Bicks
Burch, Porter & Johnson PLLC
130 North Court Avenue
Memphis, TN 38103

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